

ORDINANCE 2022-40
As Amended March 28, 2023

AN ORDINANCE TO AMEND TITLE 18 – WATER AND SEWERS OF THE FRANKLIN MUNICIPAL CODE FOR PROVIDING EQUITABLE FEE STRUCTURE FOR THE WATER AND SANITARY SEWER IMPACT FEES STRUCTURE AND UPDATED INSTALLATION FEES AND TO MODIFY APPENDIX A, COMPREHENSIVE FEES AND PENALTIES IN SUPPORT OF THE MODIFICATIONS TO TITLE 18

WHEREAS, for promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee, the Board of Mayor and Aldermen is authorized to prescribe regulations and standards that encourage and advance the quality of life within the City; and

WHEREAS, in its legislative judgment, the Board of Mayor and Aldermen has found that ordinances and policies that regulate land use, guide the maintenance of the City’s infrastructure, and delivery of essential services must be dynamic and modified from time to time to reflect changes in best practices, model codes, land and labor costs, and safety standards necessary to preserve and promote the private and public interest; and

WHEREAS, the Franklin Board of Mayor and Aldermen have, on behalf of the citizens of Franklin, invested in public water and sanitary sewer systems to accommodate the continued growth of the City; and

WHEREAS, the City of Franklin is endeavoring to equitably charge for the required capacity needed for continued growth of the distribution and collection systems and treatment facilities to match the growing populations; and

WHEREAS, the City of Franklin desires to charge fees for such funding to aptly respond to ongoing and shifting capital investment needs; and

WHEREAS, the Board of Mayor and Aldermen find that this action to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I: Title 18, Chapter 1 Section 18-106 is hereby amended by deleting the sections listed below in their entirety and replacing as follows:

Sec. 18-106. Assessment and collection of impact fees.

Before a new connection is made to the water system or an existing customer increases requirements by expansion of the original served facilities, fees shall be assessed and collected by the City.

The impact fee and installation fee for all customers is assessed and shall be paid prior to the issuance of a building permit.

The impact fee shall be based on a single-family unit equivalent (SFUE) metric, with commercial or any other structure a multiple of that metric. The SFUE is defined as 350 gallons/day and is a

conservative value used to account for diurnal capacities of the distribution system that is needed to provide customer's potable water.

For structures larger in capacity than a single-family house, the building square footage provided by the developer will be used to determine the occupancy loading for the structure. That occupancy loading will be converted to a load factor, which will then be used to calculate the SFUE metric which will provide the associated impact fee. Occupancy loads will be used in conjunction with the latest International Building Code as adopted by the Board of Mayor and Alderman. Refer to Appendix A, Comprehensive Fees and Penalties, for tables on the Occupancy Load Factor and Demand Factors.

The developer's engineer will initially calculate the impact fee based upon the square footage of the building and provide detailed calculations for review by the Director. While the design of the structure is refined, the impact fee calculation will be refined and reviewed against initial calculations for additions or deletions by the Director before the final fee is established. For a detailed description of the calculation process, refer to the most updated version of the Single-Family Unit Equivalent Handbook for Water Impact Fee Determination located on the Water Management Department's website. Once the SFUE has been determined, the developer will then submit the proposed meter size for approval by the Director.

If a conflict exists between the developer and the Department after final determination of the impact fee calculation, the developer must submit the following resources to support their reasoning to the Director:

- Clarifying information from recognized state or national publications.
- Records of similar uses and discrepant information.
- Information provided from other reliable sources approved by the Director.

The Director will have 30-days to review any disputed discrepancies to make a final determination. Where applicable, the charges as specified in Appendix A, Comprehensive Fees and Penalties, shall be collected by the City at the time the permit is issued.

These fees will be assessed for any connection inside or outside the corporate limits.

The rate per SFUE shall be adjusted annually on April 1 of each year by the percentage change between the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index-U, U.S. City Average, All Items Less Food and Energy, not seasonally adjusted. The change shall be determined by comparison of the figure for the previous January 1, with that of January 1 of the current calendar year. In no event shall this calculation cause a reduction in the rate per SFUE below that payable during the preceding year.

The City shall revise the water impact fee study and the schedule of impact fees at least once every five years, and may do so more frequently, based upon the growth and capacity requirements of water infrastructure, inflation, revised cost estimates for improvements, changes in availability or other funding sources, and such other factors as may be relevant.

PRIVATE FIRE HYDRANTS AND SPRINKLER SYSTEMS

For mains connecting to the City's distribution system, an impact fee for connection of private fire hydrants and sprinkler system lines to the city's lines shall be as specified in Appendix A, Comprehensive Fees and Penalties.

Radio-read meters will be required on all private fire hydrants and sprinkler systems, at the discretion of the City.

SECTION II: Title 18, Chapter 1 Section 18-206 is hereby amended by deleting the sections listed below in their entirety and replacing as follows:

Sec. 18-207. Sewer line access fee.

- (1) In order to provide additional funds for additions, replacements and improvements to the Franklin Wastewater System the City hereby establishes a wastewater impact fee, hereinafter referred to as the "impact fee." The impact fee shall be assessed to any person or entity connecting to the sanitary sewer lines or facilities of the City for furnishing sanitary sewer service to a new or expanded demand of residential or nonresidential sites.
- (2) For the purposes of this section, the point of connection to the system shall be that point at which any new line or service tap is connected to an existing line in the Franklin collection system. Such point may be remote from the site of the development or customer requiring service.
- (3) The impact fee shall be based on the anticipated wastewater discharge for the development. Such anticipated discharge shall be determined by the Director and shall be based on the single-family unit equivalent (SFUE) metric, with commercial or any other structure a multiple of that metric. The SFUE is defined as 350 gallons/day and is a conservative value used to account for diurnal capacities of the collection system that is needed to provide customers sewer service.

For structures larger in capacity than a single-family house, the building square footage provided by the Developer will be used to determine the occupancy loading for the structure. That occupancy loading will be converted to a load factor, which will then be used to calculate the SFUE metric which will provide the associated impact fee. Occupancy loads will be used in conjunction with the latest International Building Code as adopted by the Board of Mayor and Alderman. Refer to Appendix A, Comprehensive Fees and Penalties, for tables on the Occupancy Load Factor and Demand Factors.

The developer's engineer will initially calculate the impact fee based upon the square footage of the building and provide detailed calculations for review by the Director. While the design of the structure is refined, the impact fee calculation will be refined and reviewed against initial calculations for additions or deletions by the Director before the final fee is established. For a detailed description of the calculation process, refer to the most updated version of the Single-Family Unit Equivalent Handbook for Water Impact Fee Determination located on the Water Management Department's website.

If a conflict exists between the developer and the Department after final determination of the impact fee calculation, the developer must submit the following resources to support their reasoning to the Water Department:

- Clarifying information from recognized state or national publications.
- Records of similar uses and discrepant information.
- Information provided from other reliable sources approved by the Director.

The Director will have 30-days to review any disputed discrepancies to make a determination.

Where applicable, the charges as specified in Appendix A, Comprehensive Fees and Penalties, shall be collected by the City at the time the permit is issued.

These fees will be assessed for any connection inside or outside the corporate limits.

The rate per SFUE shall be adjusted annually on April 1 of each year, by the percentage change between the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index-U, U.S. City Average, All Items Less Food and Energy, not seasonally adjusted. The change shall be determined by comparison of the figure for the previous January 1, with that of January 1 of the current calendar year. In no event shall this calculation cause a reduction in the rate per SFUE below that payable during the preceding year.

The City shall revise the sewer impact fee study and the schedule of impact fees at least once every five years, and may do so more frequently, based upon the growth and capacity requirements of wastewater infrastructure, inflation, revised cost estimates for improvements, changes in availability or other funding sources, and such other factors as may be relevant.

SECTION III: Appendix A – Comprehensive Fees and Penalties, Chapter 18 is hereby amended by adding the sections listed below and deleting Wastewater Impact Fee and Installation Fee in its entirety as follows:

APPENDIX A - COMPREHENSIVE FEES AND PENALTIES

CHAPTER 18. - WATER AND SEWERS

Occupancy Group Classifications, Load Factors, and Demand Factors

Occupancy Groups	Occupancy Load Factor (Occupancy load/sq-ft)	Demand Factor (gallon/person)
Assembly	20	3.25 ¹
Business	100	25 ²
Educational	50	4 ¹
Factory	500	25 ²
High Hazard	200	7 ¹
Institutional	100	7 ¹
Mercantile	30	7 ¹
Storage Group	300	25 ¹
Utility	300	25 ¹

1- TDEC Appendix 2-A, Design Basis for Wastewater Flow & Loading, page 2-50

2 - Metro Water Services Commercial Permit Handbook, Appendix 3

Residential Group Classifications & Demand Factors

Occupancy Group	Demand Factor (gallon/person)
R (Single-Family House)	350
R2 (Residential 2)	100
R2B1 (Residential 2, 1 bedroom apartment)	250
R2B2 (Residential 2, 2 bedroom apartment)	300
R2B3 (Residential 2, 3+ bedroom apartment)	350

Water Impact Fee

1 Single Family Unit Equivalent (350 gpd)	\$3,624
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Sewer Impact Fee

1 Single Family Unit Equivalent (350 gpd) ¹	\$5,964
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SECTION IV. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect on January 1, 2024 after the third and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____

By: _____

Eric Stuckey
City Administrator

Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PASSED FIRST READING: _____

PUBLIC HEARING: _____

PASSED SECOND READING: _____

PASSED FINAL READING: _____